

### REMARKS

Claims 1-19 are currently pending in the subject application.

By the instant amendment, claim 1 is amended to delete the term “entire.” Further claims 1, 12 and 15 have been amended to delete limitations regarding controlling pressure applied to the measurement sensors.<sup>1</sup> Claims 1, 12 and 15 have been broadened by the instant amendment. Accordingly, the Examiner is expressly requested to re-visit any prior art references previously considered, as applicants no longer intend to be limited to the scope of claims 1, 12 and 15 as they were presented prior to entry of the instant amendment. In addition, applicants disavow any disclaimer of claim scope that may have arisen as a result of arguments previously advanced by the applicants in the instant application. *See Hakim v. Cannon Avent Group, PLC, 479 F.3d 1313, 81 U.S.P.Q.2d 1900 (Fed. Cir. 2007).*

By the instant amendment, independent claims 1, 12 and 15 are amended to more particularly recite aspects of the subject matter claimed therein. No new matter is added.<sup>2</sup>

Claims 1-19 are presented for further prosecution on the merits.

#### A. Introduction

In the outstanding Office action:

1. claims 12-14 and 17-18 were rejected under 35 U.S.C. § 103(a) as being unpatentable over “Mapping Acupuncture Points Using Multi Channel Device” to Kwok et al. (“the Kwok et al. reference”) in view of U.S. Patent Publication No. 2001/0034491 to Benson et al. (“the Benson et al. reference”) and U.S. Patent No. 4,517,983 to Toyosu et al. (“the Toyosu et al. reference”);
2. claims 1-5, 7-11, 15-16 and 19 were rejected under 35 U.S.C. § 103(a) as being unpatentable over the Kwok et al., Benson et al. and Toyosu et al. references, and further in view of U.S. Patent Publication No. 2002/0062090 to Chai et al. (“the Chai et al. reference”); and

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<sup>1</sup> The limitations regarding controlling pressure applied to the measurement sensors were introduced into claims 1, 12 and 15 by the amendment filed January 18, 2008.

<sup>2</sup> Support for the amendments to claims 1, 12 and 15 can be found in the application as originally filed. See, e.g., paragraph [0040] of the published application, viz., U.S. Patent Application Publication No. 2004/0092839 A1.

3. claim 6 was rejected under 35 U.S.C. § 103(a) as being unpatentable over the Kwok et al., Benson et al., Toyosu et al. and Chai et al. references, and further in view of “The Design and Fabrication of a Micro-Thermal/Pressure-Sensor for Medical Electro-Skin Application,” to Ho (“the Ho reference”).

B. Asserted Obviousness Rejection of Claims 12-14 and 17-18

In the outstanding Office action, claims 12-14 and 17-18 were rejected under 35 U.S.C. § 103(a) as being unpatentable over the Kwok et al. reference in view of the Benson et al. and Toyosu et al. references. The rejection is respectfully traversed for at least the following reasons.

Claim 12 presently recites, *inter alia*,

- (a) disposing two electrodes of a constant current source *on opposite sides of a region to be measured* on a patient's skin, . . . ;
- (b) positioning a multi-channel electrode having a plurality of measurement sensors parallel to the region to be measured, . . .
- (c) . . . measuring skin impedance at the region to be measured while the predetermined constant current *flows through the region to be measured*.

(*Emphasis added*).

Applicants respectfully submit that the asserted combination of references fails to disclose or suggest the subject matter noted above. The Kwok et al. reference fails to disclose or suggest disposing two electrodes of a constant current source on opposite sides of a region to be measured.<sup>3</sup> Further, the Benson et al. reference teaches, at most, applying a constant current to the middle fingers of the right and left hands of a user, and measuring impedance between the index fingers of the right and left hands of the user.<sup>4</sup> However, the Benson et al. reference fails to disclose or suggest that the constant current electrodes are on opposite sides of the measurement region, or that the constant current flows through the

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<sup>3</sup> The Office action admits the deficiency of the Kwok et al. reference in this regard. *See paragraph no. 5, page 3 of the Office action mailed March 20, 2008.*

<sup>4</sup> The Benson et al. reference, paragraph [0032].

measurement region. Indeed, the configuration described in the Benson et al. reference would result in the measured fingers, i.e., the index fingers, being out of the current path. The Toyosu et al. reference, like the Kwok et al. reference, fails to disclose or suggest disposing two electrodes of a constant current source on opposite sides of a region to be measured.

In view of the above, applicants respectfully submit that the asserted references, whether considered individually or in combination, fail to disclose or suggest each and every element of claim 12. Claims 13 and 14 depend from claim 12, and claims 17 and 18 incorporate the limitations of claims 12 and 14, respectively. Accordingly, each of the rejected claims is allowable over the asserted references. Therefore, applicants respectfully request that this rejection be favorably reconsidered and withdrawn.

C. Asserted Obviousness Rejection of Claims 1-5, 7-11, 15-16 and 19

In the outstanding Office action, claims 1-5, 7-11, 15-16 and 19 were rejected under 35 U.S.C. § 103(a) as being unpatentable over the Kwok et al., Benson et al. and Toyosu et al. references, and further in view of the Chai et al. reference. The rejection is respectfully traversed for at least the following reasons.

Claim 1 presently recites, *inter alia*,

a constant current source configured to apply a predetermined constant current to first and second regions, *the first and second regions being disposed on opposite sides of a region to be measured*;

a preprocessing unit configured to amplify and filter a potential value measured at each of the channels in the region to be measured, the region to be measured being disposed between the first and second regions, while the predetermined constant current is *flowing through the region to be measured*;

(*Emphasis added*).

Applicants respectfully submit that the asserted combination of references fails to disclose or suggest the subject matter noted above. The deficiencies of the Kwok et al.,

Benson et al. and Toyosu et al. references in this regard have been discussed above in section B. With respect to the Chai et al. reference, the current source electrodes are not disposed on opposite sides of a region to be measured, as recited in claim 1. Rather, both current source electrodes are disposed on a same side of a region to be measured.<sup>5</sup>

In view of the above, applicants respectfully submit that the asserted references, whether considered individually or in combination, fail to disclose or suggest each and every element of claim 1. Claim 15 recites subject matter similar to that discussed above regarding claim 1, claims 2-5, 7-11 and 16 depend from claims 1 and 15, respectively, and claim 19 incorporates the limitations of claim 16. Accordingly, each of the rejected claims is allowable over the asserted references. Therefore, applicants respectfully request that this rejection be favorably reconsidered and withdrawn.

D. Asserted Obviousness Rejection of Claim 6

In the outstanding Office action, claim 6 was rejected under 35 U.S.C. § 103(a) as being unpatentable over the Kwok et al., Benson et al., Toyosu et al. and Chai et al. references, and further in view of the Ho reference. The rejection is respectfully traversed for at least the following reasons.

Applicants respectfully submit that the asserted combination of references fails to disclose or suggest each and every element of claim 6. Claim 6 depends from claim 1, and the failure of the Kwok et al., Benson et al., Toyosu et al. and Chai et al. references to disclose or suggest the subject matter recited in claim 1 has been discussed above in section C. Moreover, the Ho reference fails to remedy the deficiencies noted above regarding the Kwok et al., Benson et al., Toyosu et al. and Chai et al. references.

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<sup>5</sup> The Chai et al. reference, FIG. 2B and paragraph [0026].

In view of the above, applicants respectfully submit that the asserted references, whether considered individually or in combination, fail to disclose or suggest each and every element of claim 6. Accordingly, claim 6 is allowable over the asserted references. Therefore, applicants respectfully request that this rejection be favorably reconsidered and withdrawn.

E. Conclusion

The above remarks demonstrate the failings of the outstanding rejections, and are sufficient to overcome the rejections. However, these remarks are not intended to, nor need they, comprehensively address each and every reason for the patentability of the claimed subject matter over the applied prior art. Accordingly, applicants do not contend that the claims are patentable solely on the basis of the particular claim elements discussed above.

If the Examiner believes that additional discussions or information might advance the prosecution of the instant application, the Examiner is invited to contact the undersigned at the telephone number listed below to expedite resolution of any outstanding issues.

In view of the foregoing, reconsideration of this application is earnestly solicited, and an early and favorable further action upon all the claims is hereby requested.

Respectfully submitted,

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